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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,794	01/27/2004	William P. Martin	2016001US1AP	4004
27542	7590	02/22/2005	EXAMINER	
SAND & SEBOLT AEGIS TOWER, SUITE 1100 4940 MUNSON STREET, NW CANTON, OH 44718-3615			COLETTA, LORI L	
			ART UNIT	PAPER NUMBER
			3612	

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/766,794

Applicant(s)

MARTIN, WILLIAM P.

Examiner

Lori L. Coletta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 19-22 is/are rejected.
- 7) ☒ Claim(s) 4-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Biancale 5,067,767.

Regarding claim 1, Biancale '767 discloses a tarpaulin system for an open-top cargo hold on a vehicle, the system comprising a tarpaulin (12) having first and second ends, the first end of the tarpaulin being fixedly connected proximate one end of the cargo hold (6); a plurality of bows (14 and 16) for supporting said tarpaulin and moving said tarpaulin over the cargo hold, each of said bows having an interior section with opposing ends extending outwardly therefrom; a plurality of fasteners for detachably securing said bows to said tarpaulin; a cable (20 and 22); a plurality of connectors (21 and 36) attached to said cable, each of the plurality of connectors having a cable gripping area and a bow attachment area, whereby a bow may be removable attached to the bow attachment area in Figures 1, 3 and 4.

Regarding claim 2, Biancale '767 discloses the tarpaulin system wherein the plurality of bows includes a terminal bow (16) that is fixedly connected (36) to the cable (20 and 22) in Figure 3.

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Regarding claim 3, Biancale '767 discloses the tarpaulin system, wherein the plurality of bows further includes at least one intermediate bow (14) that is slidably connected to the cable (20), said intermediate bow being positioned between the terminal bow and the first end of the tarpaulin in Figure 3.

Regarding claim 19, Biancale '767 discloses a method of repairing a damaged tarpaulin system for an open-top cargo hold for a vehicle, the method comprising the steps of providing a tarpaulin system which includes a tarpaulin (12); a plurality of bows (14 and 16) for supporting said tarpaulin over the cargo hold; at least one moveable cable (20 and 22); and a plurality of connectors for detachably connecting said bows to said cable; locating a damaged bow within the tarpaulin system; disengaging the connectors from the damaged bow, whereby the damaged bow is detached from the connector, maintaining the connection between the connector and the cable; withdrawing the damaged bow from the tarpaulin system; providing an undamaged replacement bow; attaching the undamaged replacement bow to the connector that remained attached to the cable.

Regarding claim 20, Biancale '767 discloses the method of repairing a damaged tarpaulin system, further comprising the step of maintaining undamaged bows in position while the damaged bow is being replaced.

Regarding claim 21, Biancale '767 discloses the method of repairing a tarpaulin system, further comprising the step of maintaining the position of the cable on a drive wheel and a follower wheel while the damaged bow is being replaced.

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Regarding claim 22, Biancale '767 discloses the method of repairing a tarpaulin system, further comprising the step of maintaining the tension on the cable while the damage bow is being replaced.

Allowable Subject Matter

3. Claims 4-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references show several other tarpaulin systems similar to that of the current invention.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Coletta whose telephone number is (703) 306-4614. The examiner can normally be reached on Monday-Friday 6:00am-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lori L. Coletta

Lori L. Coletta
Primary Examiner
Art Unit 3612

llc
February 17, 2005